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 DYNAMIC PET PRODUCTS and
 FRICK'S MEAT PRODUCTS, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KHRISTIE REED, on Behalf of
 Herself and All Others Similarly
 Situated,

Plaintiff,

vs.

DYNAMIC PET PRODUCTS and
 FRICK'S MEAT PRODUCTS, INC.,

Defendants.

Case No. 15-cv-0987-WQH -DHB

**DEFENDANTS' NOTICE OF
 MOTION AND MOTION TO DISMISS
 PURSUANT TO FRCP 12(B)(6)**

Date: July 20, 2015
 Judge: William Q. Hayes

Magistrate: Hon. David H. Bartick

No Oral Argument Unless Requested By
 The Court

TO PLAINTIFF AND HER ATTORNEY OF RECORD:

PLEASE TAKE NOTICE that on July 20, 2015, defendants Frick's Meat
 Products, Inc. and Dynamic Pet Products will move this Court to dismiss this action
 pursuant to Federal Rule of Civil procedure 12(b)(6) on the following grounds:

First, Reed's claim under California's Consumer Legal Remedies Act
 ("CLRA") is fatally defective because Reed failed to comply with the mandatory 30-
 day notice provision before filing suit. Second, Reed's CLRA and Unfair
 Competition Law ("UCL") claims must be dismissed because defendants' alleged

1 statements are not likely to have deceived a reasonable customer. Third, Reed's
2 Complaint fails to satisfy the heightened pleading requirement of Federal Rule of
3 Civil Procedure 9(b) because she fails to allege which of the defendants specifically
4 made the alleged misrepresentations. Fourth, the claims under the Consumer Legal
5 Remedies Act, Unfair Competition Law and California Commercial Code section
6 2314 must be dismissed as to purported class members who are not California
7 residents. Fifth, Reed's claim for breach of implied warranty must be dismissed for
8 lack of privity with defendants. Finally, Reed lacks standing to seek declaratory and
9 injunctive relief as she cannot show how she is threatened by a repetition of
10 defendants' alleged misconduct.

11 The motion will be based on this Notice of Motion and Motion, and the
12 Memorandum of Points and Authorities, Request for Judicial Notice, and Declaration
13 of Sara Mades filed herewith, and upon such other argument as may be offered at the
14 time of any hearing held on this motion.

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16 Dated: June 16, 2015

**WILSON, ELSER, MOSKOWITZ,
EDELMAN & DICKER LLP**

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